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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,173	03/06/2002	John Vonciff	031937.0006	1310
21967 7590 03/15/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER PRONE, JASON D	
			ART UNIT 3724	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/15/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/091,173

Applicant(s)

VONEIFF ET AL.

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-35 is/are pending in the application.
- 4a) Of the above claim(s) 12, 13, 17, 18, 20-26, 32, and 34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11, 14-16, 19, 27-31, 33 and 35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11, 14-16, 19, 27-31, 33, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 11 recites the limitation "the surface" on line 5. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 27 recites the limitation "the surface" on line 6. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 28 recites the limitation "the preparation" on line 4. There is insufficient antecedent basis for this limitation in the claim.

6. On line 4 of claim 27, the phrase "a blade assembly for preparing" is unclear. It is uncertain how a blade assembly performs a preparing function. It is clear from the specification that the blade assembly performs a cutting function. Preparing and cutting are not equivalent functions. Therefore, this limitation can be any type of assembly that is blade related that is performing any type of preparing function.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 11, 14, 19, 27-29, 31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Divan (3,846,958).

Claims 11, 14, and 19:

In regards to claim 11, Divan discloses the same invention including a blade assembly for slicing thin section from a work piece (26), a plurality of transfer rollers sequentially arranged in tangential proximity to each other (40 and 58 the conveyor belt rolls and is therefore a roller), a thin section in contact with the surface of one transfer roller will be transferred to the surface of the sequentially successive transfer roller (Column 3 lines 20-40), a first sequential transfer roller is oriented in proximity to the blade assembly (40) so that a thin section sliced from the work piece will contact the surface of the first sequential transfer roller (Column 3 lines 20-40), and a receiving medium (39) disposed in tangential proximity to a final sequential transfer roller (58) so that the thin section on the surface of the final sequential roller will be transferred to the receiving medium in a substantially smooth and flat configuration (Fig. 1).

In regards to claim 14, Divan discloses at least a portion of a circumference of one of the transfer roller is temperature controlled (the room is at a certain controlled temperature and therefore the roller would adopt the properties of this surrounding temperature).

In regards to claim 19, Divan discloses display means (48).

Claims 27-29, 31, and 33:

In regards to claim 27, Divan discloses the same invention including a holding assembly for manipulating a work piece (20), a blade assembly for preparing a thin section from the work piece (28 and 26, see 112 rejection above), a transfer roller mechanism (40 and 58) for transferring the thin section in contact with the surface of a transfer roller to a receiving medium (39), and a controller (31).

In regards to claim 28, Divan discloses the blade assembly further comprises a preliminary blade for removing slices from the work piece to a desired depth prior to the preparation of work piece (22)

In regards to claim 29, Divan discloses the controller tracks the work piece (31).

In regards to claim 31, Divan discloses a first transfer roller positioned adjacent to the blade assembly for receiving the thin section from the blade (40) and a second transfer roller (58) for receiving the thin section from the first transfer roller and transferring the thin section to the receiving medium (39).

In regards to claim 33, Divan discloses at least a portion of a circumference of one of the transfer roller is temperature controlled (the room is at a certain controlled temperature and therefore the roller would adopt the properties of this surrounding temperature).

Response to Arguments

9. Applicant's arguments with respect to claims 11, 14-16, 19, 27-31, 33, and 35 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

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10. Claims 15, 16, 30, and 35 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobernick, Dennis, Kasper, Hoyland, Johnson et al., and Wolcott et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 7:00-4:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

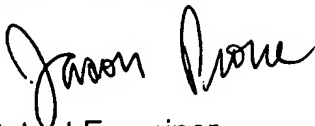
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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March 13, 2007

A handwritten signature in black ink, appearing to read "Jason Prone". The signature is written in a cursive, flowing style.

Patent Examiner

Jason Prone

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T.C. 3700